

Notice of Allowability

Application No.

09/710,366

Examiner

Mark Fadok

Applicant(s)

HAINES ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/16 and 11/102004.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ The drawings filed on 10 November 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 7/9/2003, 9/9/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 3/8/2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicant's amendment received 12/16/2004. Acknowledgement is made to the amendment to claims 1,10,18,21 and the cancellation of claims 25 and 26. Further the examiner recognized the amendment to the specification, which obviates the USC 112 rejection. The amendment and arguments were found to be persuasive, therefore the following reasons for allowance are provided.

Information Disclosure Statement

As is noted on the IDS's dated July 9, 2003 and September 9, 2003, these were duplicates of applicant's IDS received July 24, 2002 that was mailed to the customer 2/24/2004.

Examiners Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by CFR 1.312. To ensure consideration of such an amendment, it must be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Keith Grzelak.

The application has been amended as follows:

In the claims:

Claim 1 –

- In line 15 after “computer order assistance” delete system” insert--computer program--
- in line 18 after delete “required by a customer” and insert in its place --customer defined--

Claim 5 -

- in line 3 after “authorization from” delete “a” and insert--the--

Claim 6 -

- in line 3 after “authorization from” delete “a” and insert--the--

Claim 7 -

- in line 3 after “configured to prompt” delete “a customer” and insert--the--

Claim 10 -

- in line 5 after “personal computer that” delete “they need” and insert—the user needs--
- in line 8 after “server for notifying” delete “a” and insert--the--
- in line 19 after “level that is” delete “required by a customer” and insert--customer defined--

Claim 13 -

- in line 4 after “computer to alert” delete “a user to” and insert--the user of--

Claim 18 -

- in line 10 after “personal computer” insert—through an embedded web server located on the peripheral device--

- in line 11 after "address" delete "a" and insert--the--
- in line 15 after "configuring" insert--a computer program operable on--
- in line 19 after "level that is" delete "required by a customer" and insert--customer defined--

Claim 20 -

- in line 2 after "query" delete "a" and insert--the--

Claim 21 -

- in line 15 after "assistance computer program" delete "provided" and insert--executable--
- in line 25 after "consumable order assistance" insert-computer program--
- in line 28 after "level that is" delete "required by a customer" and insert--customer defined--

Claim 22 -

- in line 3 after "a warning to" delete "a" and insert--the--

Claim 23 -

- in line 3 after "interface comprising an" delete "extended data interface" and insert--electronic data interchange--

Allowable Subject Matter

Claims 1-24 are allowed.

The following is an Examiner's statement of reasons for allowance for all independent claims 1,10,18 and 21.

The present invention is directed to a system and method for assisting a user in ordering consumables for a peripheral device that has an embedded server to communicate. The customer is capable of setting the levels to which notification is desirable.

Each of the independent claims 1,10,18 and 21 identifies the uniquely distinct features as follows:

Claim 1 –

at least one computer peripheral device having an embedded web server and a message system provided by the embedded web server;

wherein the consumable order assistance computer program is configured for multiple unique functionality levels to provide consumable order assistance when ordering the consumable, the multiple unique functionality levels being configured to be at a level that is customer defined.

Claim 10 –

the computer peripheral device having an embedded web server; and the notification system being provided in the embedded web server to notify the user at the personal computer;

wherein the computer implemented system is configured to establish multiple functionality levels at the personal computer to provide consumable order assistance when ordering the consumable from the personal computer, the multiple unique functionality levels being configured to be at a level that is customer defined.

Claim 18-

notifying a user at the personal computer of the need to replenish the consumable by communication the need from the computer peripheral device to the personal computer through an embedded web server located on the peripheral device;

configuring a computer program operable on the computer peripheral device and the personal computer to operate in at least one of multiple unique functionality levels to provide consumable order assistance when ordering the consumable, the multiple unique functionality levels being configured to be a level that is customer defined.

Claim 21-

at least one computer peripheral device having an embedded web server and a messaging system each configured to communicate on a one-to-one relation bi-directionally with the personal computer;

wherein the consumable order assistance program is configured for multiple unique functionality levels to provide consumable order assistance when ordering the consumable, the multiple unique functionality levels being configured to be at levels that are customer defined,

Relevant Art

Discussion of most relevant art:

US Patents and PG-PUB

(i) US PG-PUB (2002/0065950) to Katz et al. discloses a system for using a PIA central agent to monitor peripheral devices. Katz et al., however, fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(ii) US Patent (6,333,790) to Kageyama discloses a system wherein a plurality of printers are managed over a network. Kageyama, however, fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(iii) US Patent (6,629,134) to Hayward et al discloses a method for supplying support to user of a peripheral device, which includes sensing peripheral indicia. Hayward, however, fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(iv) US Patent (5,799,157) to Escallon discloses a method and system for the providing forms for ordering items over a network. Escallon, however, fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Foreign Patent Documents

(v) EP 1085441 A2 to Hayward discloses a method and system for ordering consumables over the Internet. Hayward, however, fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Non-Patent Literature

(vi) IBM Technical Disclosure teaches an embedded server within a peripheral

device, IBM Technical Disclosure, however, fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vincent Millin** can be reached on **(703) 308-1065**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Art Unit: 3625

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

(703) 746-7206 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a stylized flourish at the end.

Mark Fadok

Patent Examiner